

Senate File 2354

S-5138

Amend Senate File 2354 as follows:

1. Page 1, before line 1 by inserting:

<Section 1. Section 68A.402A, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. The name and mailing address of each person who has made one or more in-kind contributions to the committee when the aggregate market value of the in-kind contributions in a calendar year exceeds the applicable amount specified in paragraph "b". In-kind contributions shall be designated on a separate schedule from schedules showing contributions of money and shall identify the nature of the contribution and provide its estimated fair market value. A committee receiving an in-kind contribution shall report the estimated fair market value of the in-kind contribution at the time it is provided to the committee. A person providing an in-kind contribution to a committee shall notify the committee of the estimated fair market value of the in-kind contribution at the time the in-kind contribution is provided to the committee. For purposes of this section, the estimated fair market value of the in-kind contribution shall be reported regardless of whether the person has been billed for the cost of the in-kind contribution.

Sec. \_\_\_\_\_. Section 68A.402B, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If a person who files an independent expenditure statement and a disclosure report, pursuant to section 68A.404, determines that the person will no longer make an independent expenditure, the person shall notify the board within thirty days following such determination by filing a termination report on forms prescribed by the board.>

2. Page 1, line 5, by striking <one hundred> and inserting <one hundred seven hundred fifty>

3. Page 1, by striking lines 11 through 15 and inserting:

<2. a. An entity, other than an individual or individuals, shall not make an independent expenditure or disburse funds from its treasury to pay for, in whole or in part, an independent expenditure made by another person without the authorization of a majority of the entity's board of directors, executive council, or similar organizational leadership body of the use of treasury funds for an independent expenditure involving a candidate or ballot issue committee. Such authorization must occur in the same calendar year in which the independent expenditure is incurred.

b. Such authorization shall expressly provide whether the board of directors, executive council,

1 or similar organizational leadership body authorizes  
2 one or more independent expenditures that expressly  
3 advocate the nomination or election of a candidate or  
4 passage of a ballot issue or authorizes one or more  
5 independent expenditures that expressly advocate the  
6 defeat of a candidate or ballot issue.

7 c. A foreign national shall not make an independent  
8 expenditure, directly or indirectly, that advocates  
9 the nomination, election, or defeat of any candidate  
10 or the passage or defeat of any ballot issue. As used  
11 in this section, "foreign national" means a person  
12 who is not a citizen of the United States and who  
13 is not lawfully admitted for permanent residence.  
14 "Foreign national" includes a foreign principal, such  
15 as a government of a foreign country or a foreign  
16 political party, partnership, association, corporation,  
17 organization, or other combination of persons that has  
18 its primary place of business in or is organized under  
19 the laws of a foreign country. "Foreign national" does  
20 not include a person who is a citizen of the United  
21 States or who is a national of the United States.>

22 4. Page 1, line 18, after <statement.> by inserting  
23 <All statements and reports required by this section  
24 shall be filed in an electronic format as prescribed  
25 by rule.>

26 5. Page 1, by striking lines 19 through 23 and  
27 inserting:

28 ~~<a. The requirement to file an independent~~  
29 ~~expenditure statement under this section does not~~  
30 ~~by itself mean that Subject to paragraph "b", the~~  
31 ~~person filing the independent expenditure statement~~  
32 ~~is required to register and shall file reports~~  
33 ~~under sections 68A.201 and 68A.402 and 68A.402A. An~~  
34 ~~initial report shall be filed at the same time as the~~  
35 ~~independent expenditure statement. Subsequent reports~~  
36 ~~shall be filed according to the same schedule as the~~  
37 ~~office or election to which the independent expenditure~~  
38 ~~was directed.~~

39 (1) A supplemental report shall be filed on the  
40 same dates as in section 68A.402, subsection 2,  
41 paragraph "b", if the person making the independent  
42 expenditure either raises or expends more than one  
43 thousand dollars.

44 (2) A report filed as a result of this paragraph  
45 "a" shall not require the identification of individual  
46 members who pay dues to a labor union, organization, or  
47 association, or individual stockholders of a publicly  
48 traded business corporation. A report filed as a  
49 result of this paragraph "a" shall not require the  
50 disclosure of any donor or other source of funding to

1 the person making the independent expenditure except  
2 when the donation or source of funding, or a portion of  
3 the donation or source of funding, was provided for the  
4 purpose of furthering the independent expenditure.>

5 6. Page 1, line 31, after <aggregate> by inserting  
6 <, or within forty-eight hours of disseminating the  
7 communication to its intended audience, whichever is  
8 earlier. For purposes of this section, an independent  
9 expenditure is made when the independent expenditure  
10 communication is purchased or ordered regardless  
11 of whether or not the person making the independent  
12 expenditure has been billed for the cost of the  
13 independent expenditure>

14 7. Page 2, after line 19 by inserting:  
15 <g. A certification that the board of directors,  
16 executive council, or similar organizational leadership  
17 body expressly authorized the independent expenditure  
18 or use of treasury funds for the independent  
19 expenditure by resolution or other affirmative  
20 action within the calendar year when the independent  
21 expenditure was incurred.>

22 8. Page 2, line 25, by striking <the subject of>  
23 and inserting <benefited by>

24 9. By striking page 3, line 31, through page 4,  
25 line 5, and inserting:

26 <f. If the person responsible is a corporation,  
27 the words "paid for by", the name and address of  
28 the corporation, and the name and title of the  
29 corporation's chief executive officer shall appear on  
30 the material.>

31 10. Page 4, after line 9 by inserting:

32 <h. If the published material is the result of an  
33 independent expenditure subject to section 68A.404, the  
34 published material shall include a statement that the  
35 published material was not authorized by any candidate,  
36 candidate's committee, or ballot issue committee.>

37 11. Page 6, after line 26 by inserting:

38 <Sec. \_\_\_\_\_. EMERGENCY RULES. The board shall adopt  
39 emergency rules under section 17A.4, subsection 3,  
40 and section 17A.5, subsection 2, paragraph "b", to  
41 implement the provisions of this Act and the rules  
42 shall be effective immediately upon filing unless  
43 a later date is specified in the rules. Any rules  
44 adopted in accordance with this section shall also be  
45 published as a notice of intended action as provided  
46 in section 17A.4.

47 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This Act,  
48 being deemed of immediate importance, takes effect upon  
49 enactment.>

50 12. Title page, line 3, by striking <and>

1 13. Title page, line 3, after <applicable> by  
2 inserting <, and including effective date provisions>  
3 14. By renumbering as necessary.

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